

PURITY OF ELECTIONS

Judge Dole Delivers His Charge to Federal Grand Jury.

Men who were prominent in the not remote period of history making in the Hawaiian Islands, veterans of the Hawaiian jury box, several leading campaigners of both the Republican and Democratic parties, representatives of large business interests and of the mechanical trades—more than one of these classifications being in some cases blended in individuals—altogether it was a panel of jurors the like of which has hardly been seen before in Hawaii which assembled as a grand jury in the United States District Court yesterday afternoon to receive the charge of the court. It was the maximum panel of 23 men which obeyed the summons, but P. C. Jones, the Nestor of them all, was excused at his own request by Judge Dole on the ground of age and the fact that jury duty he had performed of late proved injurious to his health.

Following is the panel as sworn to investigate the matters and things to be charged by the court for inquisition: S. M. Damon, foreman; Geo. K. Kaia, J. W. McDonald, F. L. Waldron, S. G. Wilder, Chas. Butzke, C. G. Ballentyne, J. P. Wime, Geo. C. Watt, H. Lancaster, S. N. Hundley, E. D. Carley, Hugh McCornick, C. M. V. Forster, J. A. McCandless, W. O. Atwater, J. A. Gilman, J. P. Cooke, E. R. Bath, John Effinger, H. A. Wilder, J. J. Spitzer.

After the charge of the court had been delivered as below summarized, C. E. Calvert was sworn as bailiff to wait upon the grand jury. Judge Dole placed the courtroom at the disposal of the grand inquest.

THE JUDGE'S CHARGE.

Judge Dole read his charge to the grand jury, which began with a statement of the functions of that body. He stated that matters would probably be presented for consideration by them under the following sections of the Revised Statutes of the United States, viz:

"Sec. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be punishable by fine and imprisonment."

"Section 5403. Every person who wilfully destroys or attempts to destroy, or carries away any record, paper or proceeding of a court of justice, or any paper, or document, or record filed or deposited in any public office, shall without reference to the value of the record, paper, document, or proceeding so taken be punishable by fine or imprisonment at hard labor, or both."

"Section 5408. Every officer having the custody of any record, document, paper or proceeding specified in section 5403, who fraudulently takes away, or withdraws, or destroys, any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall be punishable by fine, or imprisonment at hard labor, or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States."

Among other observations the charge contained the following:

"As grand jurors of the Federal Court, you are probably voters and may be more or less interested respectively in the prestige and good name of the several political parties; which interest, though laudable, must be subordinated to the paramount interest of all citizens in the integrity of the state and the moral and material prosperity dependent thereon."

"I need hardly remind you of the insidious and weakening influence of such acts as improperly interfere with the freedom of voting upon that great object of government, the supremacy of law, and upon the standing of the political parties in whose behalf they are perpetrated, as well."

"You are at liberty to apply to the court at any time for further instructions upon any of the matters already referred to, or upon other subjects that you may have under consideration."

THE FARMERS TALK SHOP

(Continued from page 5.)

McWayne's, in Kona, he found coffee trees had developed satisfactorily. About 300 acres of sisal had also been planted at this place. Mrs. Shipman has coffee trees bearing from which she picked berries when a child.

There was a future for coffee in Hawaii. The United States never before had territories which could grow coffee and for that reason, with Hawaii, Porto Rico and the Philippines as outlying possessions, Congress should give some attention to the development of coffee within its borders. Inferior coffee was being brought into the United States from foreign countries which should be barred when good and far better coffee could be grown in Hawaii and other outlying parts of the United States. There was a law against the importation of tea believed to be injurious, and so there should be a similar law covering coffee.

INSECT PESTS.

Mr. Kotinsky, assistant to Alexander Crow of the Territorial Board of Agriculture, spoke of the insects which entomologists find in great numbers

and varieties in Hawaii. Among the large importations made by the people of Hawaii were insects. An insect brought in here from another country found itself somewhat isolated and started out in search of food and picked on something which ultimately caused a loss to planters and farmers alike. He had found that yards in Honolulu were genuine incubators for injurious insects, and all were ready to attack any plantation. There were many yards, not inhabited by their owners, but given over to Oriental and other loaves. Such places were a delight to the entomologist, for in them he could find a large and rare collection of insects, while on the mainland the same insects would generally be found only in the laboratories, dead, frequently, spread out and labeled. It was better late than never and he was glad to see that the Government and planters had begun a warfare on such pests. The Territory was to be congratulated in having just the man (Prof. Crow) to wage the warfare.

MR. VAN DINE'S CONTRIBUTION.

D. L. Van Dine, entomologist of the United States Experiment Station, contributed an interesting and valuable lot of notes on insect work. The paper was intended largely to give practical advice to farmers on the insects which infest their fields and crops. There were many insects which were not injurious, but the majority were injurious. Oftentimes the farmer did not know the difference and destroyed the good and the bad. There should be co-operation between the farmer and the government entomologist. The correspondence between the two was growing in Hawaii and Mr. Van Dine hoped to see it reach large proportions. The farmer should take the preliminary work of the laboratory as suggestive rather than positive.

In diversified farming the farmer was often but an amateur. There were many drawbacks to farming in Hawaii as elsewhere, but one should take into consideration that in some things the farmer in Hawaii got three crops to the mainlander's one.

WHAT IS THE REMEDY?

First: The issuing of at least one full retail license on every plantation, so that there can be no excuse on the part of the people that they are unable to obtain required supplies; then a strict and impartial carrying out of the laws, as to terms of license as well as illicit trade.

Second: The issuing of at least one wholesale or dealers' license in each district from which the retail places could be supplied. This would force the trade into recognized channels, and enable the police to exercise direct supervision. It would be found that the retail dealer, being able to supply the demand for any and all kinds of liquors, would himself have no incentive to infringe the terms of his license. Under present conditions, even where there is a light wine and beer license, the holder of such license, by reason of his being unable to supply the local demands, is at the mercy of the illicit seller, for the reason that the restrictions of his license will not allow him to make a living, and in order to do so he is compelled to deal in forbidden articles, as well as to condone the greater offense, of the illicit seller, who in many instances has his next-door neighbor.

I unhesitatingly pronounce the light wine and beer license as an absolute failure for the purposes for which it was intended. I stated this to the Senate Committee when it was before the Legislature, and have always since been convinced that I was then correct.

The same reasoning applies to the local beer license. It is a direct cover and inducement for the unscrupulous to break the law and conditions of license.

There is, however, a serious obstacle to the carrying out, at the present time, of the suggestions to issue retail licenses on each plantation as above mentioned, and that is, in the country districts, the sum of \$1,000.00 is too high, and I believe very few would be taken out, and I recommend that a new law be presented to the next Legislature on the lines as to license and selling restrictions, as are hereafter specified.

Until a new law is enacted, I can see no way of preventing illicit selling on the part of those holding either malt or light wine beer licenses, other than vigilant watching on the part of the police, and prosecution in case of infringement.

With the so-called clubs, however, I should think that a distinction could readily be made between them and the Pacific Club, for the reason that the latter is a duly incorporated club and of record. I do not say that the Pacific Club would not be liable for a license, but that it might be held that these clubs constituted a company or copartnership, and thus were liable for not recording such. Under the law I believe there is a penalty of five dollars per day for failure to place a copartnership on record. If these clubs could be held liable under this, it would seem to be an easy matter to break them up. The idea of having licensed dealers, either wholesale, jobbing or retail, held responsible for sales to illicit dealers, will, in my opinion, be absolutely ineffective, and can only result in loss to the conscientious and immediate profit to the unscrupulous and will tend to force the business more than ever into the hands of the Asiatics, who will never be either willing or able to understand such a reasoning.

As to the new laws, I propose for your consideration the following:

First: That for the purpose of defining the classification of licenses, I suggest that the towns of Honolulu, Hilo and Waialua be denominated districts of the first class, and that the boundaries of such districts be within a radius of three miles from the postoffice or police court. All areas outside of three miles to be known as districts of the second class. I then recommend

THE ORGANIZATION OF THE GOVERNMENT OF HAWAII

(Continued from page 5.)

The form of doing business shall be as follows: The nobles shall appoint a secretary for themselves, who, at the meetings shall record all decisions made by them and that book of records shall be preserved in order that no decrees affecting the interests of the kingdom may be lost.

The same shall be done by the representative body. They too shall choose a secretary for themselves, and when they meet for the purpose of seeking the interests of the kingdom, and shall come to a decision on any point then that decision shall be recorded in a book and that book shall be preserved in order that nothing valuable affecting the interests of the kingdom should be lost. And there shall be no new law made without the approbation of a majority of the nobles and also a majority of the representative body.

When any act shall have been agreed upon by them, it shall then be presented to the King, and if he approve and sign his name and also the Premier—then it shall become a law of the kingdom, and that law shall not be repealed until it is done by the voice of those who established it.

RESPECTING THE TAX OFFICERS.

The King and Premier shall appoint tax officers and give them their certificates of office. There shall be distinct tax officers for each of the islands at the discretion of the King and Premier.

When a tax officer has received his certificate of appointment, he shall not be dismissed from office without first having a formal trial, and having been convicted of fault, at which time he shall be dismissed. Though if the law should prescribe a given number of years as the term of office it may be done.

The following are the established duties of the tax officers: They shall assess the taxes and give notice of the amount to all the people, that they may understand in suitable time. The tax officers shall make the assessment in subordination to the orders of the Governors, and in accordance with the requirements of the law—and when the taxes are to be gathered, they shall gather them and deliver the property to the Governor, and the Governor shall pay it over to the Premier and the Premier shall deliver it to the King.

The tax officers shall also have charge of the public labor done for the King, though if they see proper to commit it to the land agents, it is well, but the tax officers being above the land agents shall be accountable for the work. They shall also have charge of all new business which the King shall wish to extend through the kingdom. In all business, however, they shall be subject to the Governor.

The tax officers shall be the judges in all cases arising under the tax law. In all cases where land agents and landlords are charged with oppression of the lower classes, and also in all cases of difficulty between land agents and tenants, the tax officers shall be the judges and also, all cases arising under the tax law enacted on the 7th of June, 1829.

They shall moreover perform their duties in the following manner: Each tax officer shall be confined in his authority to his own appropriate district. If a difficulty arises between a land agent and his tenant, the tax officer shall try the case and if the tenant

the issuance of the following licenses for districts of the first class:

Wholesale fee \$500, dealers \$500, retail \$250, hotel \$500, restaurant \$250, saloon \$750, and for districts of the second class: Dealers \$500, retail \$250, hotel \$250, restaurant \$100.

The retail license is to provide a legitimate method of selling by the bottle and up to the lowest quantity sold by the dealer. This license should only be allowed to be taken out either by the holder of a saloon license or a dealer in districts of the first class, the sale of bottle quantities being called for by many of the public, who will not go to a saloon, but cannot now legally purchase in any other place. This license is the one I propose should be issued in the plantation or second class districts, and it should be provided that no drinking is to be done on the licensed premises. This will obviate the great objection of the plantations, as a rule, to the creation of centers where labor can congregate and carouse and will at the same time enable the consumer to obtain legally whatever he requires for his own use.

Hotel and restaurant licenses should have the privilege of sale by the drink or bottle, but for consumption on the licensed premises only.

Dealers' and wholesale licenses should remain as they now are, but the dealer should have the privilege of taking out a retail license if he so elects.

The wholesale license is granted to those who deal in general merchandise, and is correctly limited to sales in original packages.

If provision is made for the dealer or jobber to sell from the bottle up, under the retail license there can be no reason that such licenses be granted to grocers or druggists. The liquor business should be kept absolutely apart, as it is then more perfectly subject to police supervision. San Francisco, recognized universally as a "wide open" city, is using strong efforts to get rid of the liquor license to corner groceries, which have become a nuisance on nearly every street corner. If large grocers are granted liquor license, there is not any reasonable ground to refuse smaller concerns. I mention this because I understand that strong efforts are and will be made by a firm of prominent grocers to obtain licenses to sell by the bottle, and I believe this concession, if made, would cause endless trouble, for the reason that all would want the same privilege, and as a matter of fact it would be much better if the liquor business were entirely handled as a separate interest.

be found guilty, then the tax officer, in connection with the land agent shall execute the law upon him. But if the tax officer judge the land agent to be in fault, then he shall notify all the tax officers of his particular island, and if they are agreed they shall pass sentence upon him and the Governor shall execute it. But in all trials, if any individual take exception to the decision of the tax officer, he may appeal to the Governor who shall have power to try the case again, and if exceptions are taken to the decision of the Governor, on information given to the Supreme Judges, there shall be a new and final trial before them.

OF THE JUDGES.

Each of the Governors shall at his discretion appoint judges for his particular island—two or more as he shall think expedient, and shall give them certificates of office. After having received their certificates, they shall not be turned out except by impeachment, though it shall be proper at any time for the law to limit the term of office. They shall act in the following manner: They shall give notice before hand of the days on which courts are to be held. When the time specified arrives they shall then enter upon the trials according as the law shall direct. They shall be the judges in cases arising under all the laws excepting those which regard taxation or difficulties between land agents or landlords and their tenants. They shall be sustained by the Governor whose duty it shall be to execute the law according to their decisions. But if exceptions are taken to their judgment, whosoever takes them may appeal to the supreme judges.

OF THE SUPREME JUDGES.

The representative body shall appoint four persons, whose duty it shall be to aid the King and the Premier, and these six persons shall constitute the Supreme Court of the kingdom.

Their business shall be to settle all cases of difficulty which are left unsettled by the tax officers and common judges. They shall give a new trial according to the conditions of the law. They shall give previous notice of the time for holding courts, in order that those in difficulty may appeal. The decision of these shall be final.

There shall be no further trial after theirs. Life, death, confinement, fine, and freedom from it are all in their hands, and their decisions are final.

OF CHANGES IN THE CONSTITUTIONS.

This constitution shall not be considered as finally established, until the people have generally heard it, and have appointed persons according to the provision herein made, and they have given their assent, then this constitution shall be considered as permanently established.

But hereafter, if it should be thought desirable to change it, notice shall be previously given, that all the people may understand the nature of the proposed change and the succeeding year, at the meeting of the nobles, and the representative body, if they shall agree as to the addition proposed, or as to the alteration, then they may make it.

The above constitution has been agreed to by the nobles, and we have herewith subscribed our names Oct. 8, 1840 at Honolulu.

KAMEHAMEHA III,
KEKAULUOHI.

I believe the above licenses would cover all requirements, and that both the "Beer" and "Light Wine and Beer" licenses should be repealed. There can then be no temptation to break the law by selling something that is not covered in the license. I am certain that while these new provisions cannot increase the consumption of liquor, they will simplify the work of the police department and render the proper supervision of the liquor trade less complicated.

All licenses should be situated on the Government road, so as to be easily accessible to the public, as well as the police.

For Honolulu, I suggest that the limits should be extended and placed so that no saloon license could be issued in the residential districts. If the new limits were made to cover all territory, say within a radius of a half or three quarters of a mile from the Police Station, the police could readily have this small area under perfect control, and would not have to go out of this radius to find any disturbance in or about saloons. Within such radius it would be easy for the administration to make such reservations as it saw fit, but the crowding of saloons as now, practically all in two or three blocks, simply creates an undesirable exhibition without apparent advantage.

In conclusion, I believe that the logical remedy for correction of all transgressions is the punishment of the offender, and that in view of the fact that this illicit selling is in part the product of ill-considered laws, heretofore loosely administered, and also partly induced by failure of the Government to issue the number of licenses demanded for legitimate supply in the outer districts, the whole matter should be left to the Legislative action, in the meantime employing whatever legal measures are available for the correction of existing infringements.

I have endeavored to present the matter from the standpoint of past experience, and with a sincere desire to render whatever aid I may be able to the administration in its expressed wish to put the liquor business on an absolutely legitimate basis for the future. In discussing the subject I take it for granted that the executive will and does recognize that the existence of liquor laws and the regulations for the due carrying out of such laws, are expressive of the wish, desire and therefore, the will of the voters and taxpayers of each city, county, Territory or State and that the letter of the law should be equally respected by the ex-

Hawaiian Gazette Company, Honolulu, T. H.

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ecutive as by the licensee; that neither of Hawaii, and hereby designated as a newspaper suitable for the advertisement of notice of judicial proceedings; that such publication be had and made at least once a week for four consecutive months; and

It is further appearing from a reading of said affidavits, that said defendant, P. E. Lamar, is located in and about the city of San Francisco, State of California;

It is further ordered and directed that a copy of the summons and complaint in the above entitled case be forwarded forthwith by being deposited in the United States Postoffice at Walluku, Maui, postpaid, directed to said P. E. Lamar, at San Francisco, State of California.

Service herein shall be deemed completed at the expiration of time prescribed by the order of this court, this cause to stand continued to, and be triable at, the regular March term 1905 of this court.

(Sgd.) A. N. KEPOIKAI,
Judge of the Circuit Court, Second Judicial Circuit.

Attest:
(Sgd.) EDMUND H. HART,
Clerk, Second Circuit Court,
(Seal.) 2623

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT, TERRITORY OF HAWAII—AT CHAMBERS—IN PROBATE.

In the matter of the Estate of Manoel Raposo de Freitas, of Kapaa, deceased—Order of Notice of Hearing Petition for Allowance of Final Accounts, Distribution and Discharge. On reading and filing the petition and accounts of Maria Augusta Raposo Freitas, Administratrix of the Estate of Manoel Raposo de Freitas, wherein she asks to be allowed \$10.00 and she charges herself with \$206.22, and asks that the same may be examined and approved, and that a final order may be made of distribution of the property remaining in her hands to the persons thereto entitled, and discharging her and her sureties from all further responsibility as such administratrix;

It is ordered, that Thursday, the 5th day of January, A. D. 1905, at ten o'clock a. m., before the Judge of said Court at the Court Room of the said Court at Lihue, Island of Kauai, be and the same hereby is appointed as the time and place for hearing said Petition and Accounts, and that all persons interested may then and there appear and show cause, if any they have, why the same should not be granted, and may present evidence as to who are entitled to the said property. And that notice of this Order, in the English language, be published in the Hawaiian Gazette, newspaper printed and published in Honolulu, for four successive weeks, the last publication to be not less than two weeks previous to the time therein appointed for said hearing.

Dated at Lihue, this 22nd day of November, 1904.

By the Court:
JNO. A. PALMER,
Clerk.
2645—Nov. 25, Dec. 2, 9, 16.

COURT NOTICES.

HACKFELD VS. P. E. LAMAR.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, TERRITORY OF HAWAII—OCTOBER TERM, 1904.

H. Hackfeld & Company, Ltd., a Corporation, Plaintiff, vs. P. E. Lamar, Defendant, The Pioneer Mill Co., Ltd., a Corporation, Garnishee. ORDER OF COURT FOR PUBLICATION OF SUMMONS.

Upon reading and filing the affidavits of L. N. Baldwin, and D. H. Case, and, it appearing to me therefrom that defendant P. E. Lamar, has removed from, and is now a non-resident of the Territory of Hawaii, and that he is now living in the city of San Francisco, State of California; and, it also appearing from said affidavits that a cause of action in assumpsit exists between said H. Hackfeld & Company, Ltd., as plaintiff, and said P. E. Lamar, as defendant, and that said P. E. Lamar is a necessary party thereto; and, it further appearing that a summons has been duly issued in the above entitled case, and due and diligent inquiry and search made for said P. E. Lamar for the purpose of making personal service thereof upon him as defendant, but that same was not and could not be had for the reasons hereinabove stated, and by said affidavits made to appear: Now, therefore, it is ordered that service of summons in this action be made upon the defendant, P. E. Lamar, by publication thereof in the Hawaiian Gazette, a semi-weekly newspaper, published in the English language in Honolulu, Oahu, Territory

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